

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

CHOICE SCOTT,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

BRIAN FISCHER; GLENN L. COORD;
RICHARD de SIMONE; AUDREY THOMPSON;
and JOHN DOES, Nos. 1-10 (members of the
New York State Department of Correctional
Services whose names are presently unknown
to plaintiff),

Defendants.

CASE NUMBER:

07 CV 11303

JUDGE BUCHWALD

TO: (Name and address of Defendant)

BRIAN FISCHER
New York State Department of Correctional Services
Harrison State Campus
Building No. 2
1220 Washington Avenue
Albany, New York 12226-2050

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ROBERT T. PERRY
350 Broadway, Suite 1207
New York, New York 10013
(212) 219-9410

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DEC 17 2007

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE	
Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served:	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.	
Name of person with whom the summons and complaint were left:	
<input type="checkbox"/> Returned unexecuted:	
<input type="checkbox"/> Other (specify):	

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date _____ Signature of Server _____

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

25 - SUBSTITUTE SERVICE / MAILING AT BUSINESS

1RTP923995 - ROBERT T. PERRY

UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

CHOICE SCOTT,
PLAINTIFF

- vs. -

BRIAN FISCHER ET AL,
DEFENDANT

Index No: 07CV11303

Date Filed: / /

Office No:

Court Date:

STATE OF NEW YORK COUNTY OF NEW YORK :SS:

STEVEN AVERY being duly sworn, deposes and says;

I AM OVER THE AGE OF 18 YEARS AND RESIDE IN THE STATE OF NEW YORK.

Deponent served the **SUMMONS AND COMPLAINT JURY TRIAL DEMAND** upon the **DEFENDANT BRIAN FISCHER** on **01/10/2008** at **11:05AM** at **1220 WASHINGTON AVENUE %NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES HARRISON STATE CAMPUS BUILDING NO.2, ALBANY, NY 12226** actual place of business of the **DEFENDANT** by delivering thereat a true copy to **JENNIFER JONES, CO-WORKER OF THE DEFENDANT**, a person of suitable age and discretion whose approximate description is as follows:

SEX: FEMALE

COLOR: BLACK

HAIR: BLACK

APP. AGE: 40

APP. HT: 5'5

APP. WT: 145

OTHER IDENTIFYING FEATURES:

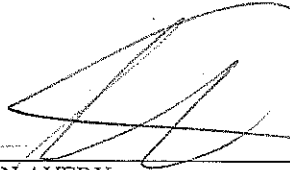
Deponent also mailed a copy of same in an official depository under the exclusive care and custody of the United States Post Office Department within New York State on **01/14/2008** by first class mail to:

BRIAN FISCHER
1220 WASHINGTON AVENUE %NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES HARRISON STATE CAMPUS BUILDING NO.2, ALBANY, NY 12226

That address being **actual place of business of the DEFENDANT**, in an envelope bearing the legend "PERSONAL AND CONFIDENTIAL", and not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person served.

Sworn to before me on **01/16/2008**.

NEIL SIMENSKY
Notary Public, State of New York
No. 01SI4767841
Qualified in NEW YORK
Commission Expires 12/31/2010


STEVEN AVERY
AAA ATTORNEY SERVICE CO. OF NY, INC.
20 VESEY ST., ROOM 1110
NEW YORK, NY 10007
AP

